

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SCOTT STARGEL, :
Plaintiffs, :
v. : Case No. 3:16-cv-47
LEWARO CONSTR., INC., *et al.*, : JUDGE WALTER H. RICE
Defendants. :
:

ENTRY ORDERING JUDGMENT IN FAVOR OF PLAINTIFF SCOTT
STARGEL AND AGAINST DEFENDANTS LEWARO CONSTRUCTION,
INC., PHILIP MOORE AND MARK PARKS, JOINTLY AND SEVERALLY,
IN THE AMOUNT OF \$81,765.96; TERMINATION ENTRY

On August 17, 2017, this Court granted Plaintiff Scott Stargel's ("Plaintiff") unopposed Motion for Summary Judgment, holding that Defendants Lewaro Construction, Inc. ("Lewaro"), Philip Moore ("Moore") and Mark Parks ("Parks") (collectively "Defendants") were Plaintiff's employers, and that Defendants had failed to pay Plaintiff all the compensation to which he was entitled, in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, Ohio Minimum Fair Wage Standards Act ("OMFWSA"), Ohio Rev. Code § 4111.01 *et seq.*, and Ohio's Prompt Pay Act. Ohio Rev. Code § 4113.15. Doc. #33. On August 29, 2017, the Court held an evidentiary hearing on the issue of damages, at which none of the Defendants appeared. At that hearing, Plaintiff presented uncontested evidence that he was entitled to \$81,765.96 in damages as to the following categories:

1. Unpaid Wages: \$16,205.02;
2. Liquidated Damages under FLSA or OMFWSA: \$31,657.50;
3. Liquidated Damages under Prompt Pay Act: \$972.30;
4. Attorney Fees: \$31,990.00; and
5. Costs: \$941.14

See Doc. #36, PAGEID #157-59 (memorandum explaining damages computation); Doc. #37-38 (computation of attorney fees and costs, and declaration of plaintiff's counsel in support of same).

Plaintiff, through his uncontroverted proffer of evidence, has met his burden of showing his entitlement to specific damages in the above amounts. Accordingly, judgment shall enter in favor of Plaintiff and against Defendants Lewaro, Moore and Parks, jointly and severally, in the amount of \$81,765.96.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 30, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE